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SEP 12 2022

SC Court of Appeals

Dear Clerk

I'm Jamie Goss preserve all rights and arguments. as Petitioner limited study has not allowed me to discover,

Sept. 1 2022 I received your letter dated Aug 26. 2022 correcting deficiency and giving me ten day. The day before I send ground for Petition with tracking # 7020 2450 0001 7218 6609, which state facts. So I'm including the Conclusion to that Petition. Also I have here Attached are state's response to "Compassionate Release" Motion. I have include my 2 motion I file with the lower court. And 2 Affidavit. I have exhausted remedie ~~available~~ Available to the best of my knowledge to due diligent of the law.

Jamie Goss

Petition for lift of Supersedeas

- (I) Statement of facts
- (II) Ground for Petition
- (III) Conclusion
- (IV) Affidavit
- (V) Attachment's - 4

Proof of Service
1
Is bond Motion

Proof of Service
2
Petition # 241

Petitions, Jamie Goss comes before the Courts in the way of Petition as a results of Horry County's decision to Deny Petitioner Motion for "Compassionate Release, For Extraordinary Reason. Petitions is seeking life of stay from denial under the Doctrine of a Bond/Undertaking due the risks of irreparable injury will awaiting the appellate process.

Jamie Goss

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SC Court of Appeals

The State Of South Carolina Court
of Appeals

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SEP 12 2022

Appeal From Horry County SC Court of Appeals

Ralph F. Cothran, Jr. > Circuit Court
William H. Seals > Judge

Case No. 2021-001271

The State Respondent

v

Jamie Goss Appellant

Proof of Service

I Jamie Goss Certify That I served the notice with the Bond Motion on Seth A. Oskin by depositing a copy of it in the United States Mail postage prepaid Date 8/20/22 addressed to P.O. Box 1276 Conway, SC 29528 with tracking # 9590 9402 5253 9154 2039 88

1

Jamie Goss

The State of South Carolina Court of Appeal

Appeal From Horry County

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SEP 12 2022

SC Court of Appeals

Ralph F. Cothran, Jr

William H. Seals

Circuit Court
Judge

Case No. 2021-001271

The State Respondent

Jamie Goss Appellant,

Proof of Service

I Jamie Goss Certify that I served the notice with Petition for Lift of Supersedeas Attachments with Affidavit ON Seth A. Oskin by depositing a copy of it in the United States Mail postage Prepaid addressed to P.O. Box 1276 Conway SC, 29528 with tracking # 702024500001-72186593, Date 9.1.22 Jamie Goss

Conclusion

In conclusion. The South Carolina Code of law are embroclied within the State Constitution. In uniform are the right afforded the its citizens including those convicted of crimes. The Statutory limitations imposed by legislation to ensure the citizen are entitled to equal protection under the law.

During the time of my sentencing it was unforeseen circumstance, that the very order of imprisonment would lose it statutory duty due to the overcrowding and understaffing of the Department of Correction. Although legislation has law in place to prevent such circumstances, they have prove to be deficient in preventing over-crowding; understaffing; and consequently the irreparable harm that accompanies these circumstances.

After serving is years under applicable law. The SCDC has lost its essence and can no longer provide essential components legislation has intended. I further petition for discharge or release under these extraordinary circumstances to prevent an irreparable harm such as, but not limited to, exaccerbution of any mental disorders; sickness or death caused by sickness physical harm or death by negligence or at the hands of other inmates.

Jamie Jess

AFFIDAVIT OF ANTHONY C. SHY II

I am over 18 and competent to testify in trial. I certify under oath that all statements are true and correct.

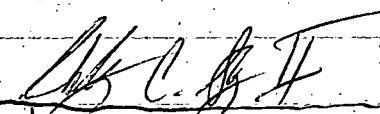
1. I have been incarcerated in the S.C. Department of Corrections since 2010
2. I am a mental health inmate who has addressed, through grievance, the inadequacy of staff and efforts in SDC.
3. I have been assaulted in SDC, without cause, while officer on post was asleep.
4. I have experienced extended periods locked behind the doors due to shortage of staff.
5. I have witnessed inmates die during the pandemic due to the lack of security.

6. I have witnessed inmates hang himself as proximate cause of negligent officers refusing to act within scope of duty.

7. I am to be released in February and SDC is refusing to place me in Vocational Skills class.

8. SDC has been operating deficiently for over a decade now.

All of the aforementioned are true and correct to the best of my knowledge.

x 
Anthony C. Shy II
09/2/22

Affidavit of Jamie Goss

I'm move the court for release under Compassionate Release Due to Extraordinary Circumstance. I was sentence to South Caroline Department of Correctional to 28 year for 13.0 grams of Cocain Base which Violation Code 17-25-50. S.C.D.C can not provide Safty, Serivce, Stewardship as declared in 24-1-20 Declaration of the Policy; and S.C. Const. Art. 12 Section 2 which has cause damage (Physical and Mental) due to Gross Negligence on behalf of S.C.D.C. I wrote the Government, Director, Probation and Warden concerning covid; being short of staff; and overcrowded population; No disaster plan in proximate cause of me to catch Covid. I plead with this Agency ~~and~~ and Circuit Judge Ralph F. Cothrans before I catch Covid and was denied Fundamenta fairness under Frist Step Act, Care and Supremacy Clause Article VI Clause 2 of the U.S Constitution which dictates the Federal law is the law of the land, on April 16 2021 which was denied on Form 4 No reason why. I plead with the Judge about my health condition because someone close to me die from Covid here with me. Also pleading with him concern my MOM is hospital

with Covid and have my teens kids which
as of today still fighting the damage of Covid.
And my ~~the~~ wife is with my other two kids
dealing with deportating because she over
stay her visa because I told her we common
law marriage, so I caught Covid and
got transfer to a Covid hospital, so 120
day pass during the denied of my Motion
Then I file 59e and 52b motion
which was wrong taking me in front of
a different Judge William Seal Jr. and
then denied with form 4 without any
reason. As of Aug. 22 2022 we
are locked down for Covid. SCDC
have not change anything for this
contagious disease. I certify
under oath that all statement are true
and correct.

Date 9.6.22 *Jamey Goss*

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS OF HORRY COUNTY
COUNTY OF HORRY	)	Case No. 2006-6s-26-4735
JAMIE GROSS, # 294885	)	D.O.B: 11/15/81 SS No. _____
Defendant,	)	Presiding Judge Honorable, Steven John
Vs	)	Circuit Court Judge
STATE OF SOUTH CAROLINA,)	
Release.)	
_____)	

**Motion for Compassionate
Release for Extraordinary
Reasons**

Come now Defendant Jamie Goss Pro se. Before this honorable court on a Motion for Compassionate Release for Extraordinary Reasons. This motion is written pursuant to 18 U.S.C. 3582(c)(1)(A)(i), and S.C. Constitution Article 1 Section 15, United States of America V. Lincoln Warrington Defendant, (March 4, 2021) 2021 825400. This matter comes Before Honorable Steven John Circuit Judge of Horry County Motion for Compassionate Release for Extraordinary Reasons pursuant to 18 U.S.C. 3582 (C)(A)(i), in light of the COVID-19 Pandemic, and also the following reasons, the Defendant respectfully show this Honorable Court the Following:

- (1) Due to S.C. Department of Corrections Ridgeland Facility and all other SCDC Facilities being short of Staff, overcrowded inmate population, lack of clean air and cleaning supplies.
- (2) My wife has a life threatening illness which require her to rely upon Respiratory Breathing Machines, and she has custody of my two (2) children ages 14 and 15.
- (3) My wife is currently in custody of immigration Detention Facing Deportation, she is in custody of my other two (2) Children ages 15 and 16.

"Supremacy Clause" LAW OF THE Land U.S. CONST. ART. 6 CLAUSE 2

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY	)	INDICTMENT: 2006GS2604735
STATE OF SOUTH CAROLINA	)	WARRANT: K002194
RESPONDENT)	
VS.)	
JAMIE GOSS	)	STATE'S RESPONSE
SCDC#294885	)	TO DEFENDANT'S MOTION
PETITIONER	)	FOR COMPASSIONATE RELEASE DUE
	)	TO EXTRAORDINARY
	)	CIRCUMSTANCES

Response

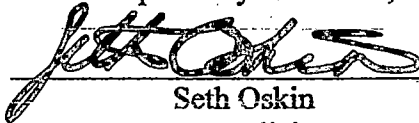
The petitioner has filed a motion asking this Court to reduce his sentence of imprisonment under 18 U.S.C. section 2582 (C)(1)(A) and order his immediate release, relying solely on the threat posed by the COVID-19 pandemic and its effects on his family who are not incarcerated and includes minor children. The State of South Carolina respectfully opposes this motion.

The Court should deny this petitioner's motion for several reasons. First, the federal statute that the petitioner has cited only deals with federal cases and federal inmates. Simply put, the petitioner cannot get the relief he is seeking through this statute before a circuit court Judge in South Carolina. The petitioner tries to overcome this by broadly mentioning the S.C Constitution Article 1 Section 15. Article 1 Section 15 is our State's version of the eighth amendment, which prohibits against cruel and unusual punishment, largely in part dealing with pretrial detainment and prohibiting excessive bonds for the circumstances. The petitioner was convicted of Trafficking Crack Cocaine – 3rd offense and sentenced to twenty-eight years on February 13, 2007. Therefore, the petitioner fails

to successfully tie South Carolina law into the federal statute because this is a post-conviction issue. Moreover, it is not an excessive bond issue nor a cruel and unusual punishment issue because the defendant was convicted at jury trial. Lastly, South Carolina does have statutory law that governs compassionate release. S.C. Code Ann. Section 24-21-715 titled "Parole for terminally ill, geriatric, or permanently disabled inmates" gives definitions for inmates that may qualify for passionate release. The petitioner does not meet any of this criterion. Further, only the full parole board, after petition from the Department of Corrections, has the sole authority to determine and grant compassionate release.

In conclusion, this Court should deny this petitioner's motion to grant compassionate release due to extraordinary circumstances because it is improper in this forum. His only potential relief is by petition of the Department of Corrections, and he does not meet the statutory requirements for that either. Therefore, this motion should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Seth Oskin", written over a horizontal line.

Seth Oskin
Asst. Solicitor
15th Circuit Solicitor

Samie Goss (294885)

RCI

P.O. Box 2039

Ridgeland S.C. 29936

Ms. Renee N. Elvis
CLERK OF THE COURT
HARRY COUNTY S.C.

RE: COVER LETTER

Samie Goss v. State of S.C. and Seth O'Brien
Case No. WARRANT NO K002194 and indictment
NO. 2006GS2604735

Dear Ms. Elvis:

Please file and docket the enclosed
Motion and forward a copy to Honorable
Cotman, the presiding judge.

Thank you for your assistance
and consideration in this matter.

Respectfully Submitted
Samie Goss
Samie Goss

Date: 8.18.21

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE GENERAL SESSIONS COURT

Samie Goss
Defendant

-VS-

STATE OF South Carolina
and Asst. Sol. Seth Oskin

Respondent

Case No. WARRANT(S)

K002194

Indictment(S) no. 2006 GS

2604735

Presiding Judge: Hon.
P. Ferrell COCHRAN

MOTION TO ALTER OR AMEND OR
MAKE ADDITIONAL FACT FINDINGS
PURSUANT TO S.C. RULES CIV. PROC. 59(C)
AND S.C. RULES CIV. PROC. 52(b), AND HUMBERT
V. STATE, 345 S.C. 332, 548 S.E.2d 862 (June 25, 2001)

Come now Defendant Samie Goss, PROSE, Before
This Honorable COURT on a Motion to alter or Amend
OR Make Additional Fact Findings PURSUANT TO
S.C. Rules Civ. Proc. 59(C) AND S.C. Rules Civ. Proc. 52(b)
AND HUMBERT V. STATE, 345 S.C. 332, 548 S.E.2d 862
(June 25, 2001), AND MARLAR V. STATE, 375 S.C. 407,
653 S.E.2d 266 (Nov 5, 2007), "QUESTIONS OF LAW AND FACT"
(LOF)

The Defendant Will Respectfully Show This Honorable Court The Following:

Claims Raised in Defendant's Motion For Compassionate Release For Extraordinary Reasons are as follows:

(1) Due to S.C. Department of Corrections Ridgeland Facility and all other SCDC Facilities Being Short of Staff, Over Crowded inmate Population, and Lack of Sufficient Cleaning Supplies.

(2) Defendant's Wife has a Life Threatening illness which requires her to rely upon a Respiratory Breathing Machines, and she has custody of Defendant's two (2) Children ages 14 and 15.

(3) Defendant's Wife is currently in custody of Immigration Detention Facility Deportation, she is in custody of Defendant's other two children ages 15 and 16.

The Above Mentioned Claims is Supported By Well Established Law and the U.S. Constitution and South Carolina Constitution

(2015)

The U.S. Constitution is Mandatory Under the Supremacy Clause Article 6 Clause 2 "Law of the Land" and S.C. Const. ART. 1 SEC 23 WHICH STATES THAT THE PROVISIONS OF South Carolina Constitution is Mandatory.

The Defendant BRINGS THIS MOTION TO THIS Honorable COURT FOR FURTHER FACT FINDING AND Full Adjudication AS Required By South Carolina Rules of Civil Procedure 52(b) AND 59(c); IF THIS ISN'T DONE IT COULD AMOUNT TO ① PROCEDURAL ERROR ② ERROR OF LAW ③ QUESTION OF LAW AND FACT DE-NOVO ④ ABUSE OF DISCRETION

By NOT Fully Adjudicating the Motion ON ITS MERITS, IT WILL RENDER THE JUDGMENT INCOMPLETE OF BEING RIPE FOR APPELLATE REVIEW OF A FINAL ORDER WHICH ENTITLES DEFENDANT A RIGHT TO AN APPEAL AS STATED IN LAWS OF THIS STATE OF South Carolina S.C. Code 18-1-30 AND S.C. Code 18-1-130 (MERITS OF THE CASE), AND S.C. Appellate Court Rule 201, AND A FAIR OPPORTUNITY TO BE FULLY HEARD S.C. R. CIV. PROC 12(b) (6). Defendant WOULD ALSO LIKE TO SEEK LEAVE OF COURT TO AMEND THE MOTION AND ALSO REQUEST THAT THIS Honorable

COURT PROTECT HIS RIGHTS AND DO A
Sua sponte motion on his behalf
concerning the inadequate and incompetent
abilities of the counsel Ronald Hazard
whom represented defendant at the
video hearing on the motion Mr. Hazard,
has a known documented history of
professional misconduct and criminal violations
that resulted into one (1) suspension the
law of case will confirm such, in re Hazard,
355 S.C. 328 and in re Hazard, 377 S.C. 482,
and in re Hazard, 380 S.C. 217, despite the
fact that he has been reinstated to practice
law again here in the state of South
Carolina, S.C. Const. ART V sec 4. Once his sus-
pension has been lifted there are many ways
MR. HAZARD could have been admitted to
practice whether he has a LLB or SJD degree
or not. ways such as to name a few (1)
Non-Attorney practitioner in U.S. Court
of Appeals for Veteran Claims Rule 46,
and limited certificate to practice law
SCACR 405 and represent a business in
Magistrate Court S.C. Magistrate Rule 21. I'm
not questioning his credentials; however, I'm
not accusing him of any wrong doing or im-
plying that he's wrong

I will say this much He's DEFINATELY NOT RIGHT.

Conclusion

WHEREFORE, the Defendant Respect Fully Pray that this Honorable Court Address this Motion and make a Ruling on the MERITS of the case, and also schedule additional Hearings BECAUSE SINCE the Filing of the Motion FOR COMPASSIONATE Release Defendant TESTED POSITIVE FOR COVID-19, WHICH Required THAT He Be Quarantined and TRANSFERED TO IRRAWADDI CORRECTIONS FOR medical Treatment. To expose Defendant to this SERIOUS Pandemic will amount to deliberate indifference and cruel and unusual Punishment, Edmo v. Corizon Inc., 935 F.3d 757 (Aug 23, 2019) SERIOUS medical need sett v. Penner, 439 F.3d 1091

DATE: 9.18.21

Signature,
James Joss
James Joss

Notary Public:
Sworn to and Subscribed
Before me:

This _____ Day of _____ 2021
My Commission Expires: _____

(5076)

AFFIDAVIT OF SERVICE

I Samie Cass, declare under penalty of perjury that I am the Defendant in the above Encaptioned Matter and I have this 19 Day of 8 2021 sent a Motion to enter or Amend or Make additional Fact Findings pursuant to S.C. Rules Civ. Proc. 59(c), and S.C. Rules Civ. Proc. 52(b), and Humbert v. State, 345 S.C. 333, a copy of Motion has also been sent to the Respondent Ass't. Sol. Seth Askin, and Attorney of Record Ronald W. Hazzard who was Court Appoint to represent Defendant. The copies was sent by way of the U.S. Mail with sufficient postage affixed and paid.

Date: 8.19.21

Signature:
Samie Cass
Samie Cass

Notary Public:

Sworn to and subscribed

Before me:

This Day of 2021

My Commission Expires:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)
)
RESPONDENT)
)
VS.)
)
JAMIE GOSS)
SCDC#294885)
)
PETITIONER)
_____)

IN THE COURT OF GENERAL SESSIONS

~~INDICTMENT 2017-00000-5~~

~~WARRANT 2000-00000-0~~

**STATE'S RESPONSE
TO DEFENDANT'S MOTION
TO ALTER OR AMEND OR MAKE
ADDITIONAL FACT FINDINGS**

Response

The Petitioner in this matter has filed a motion asking the Court to consider new findings, regarding his initial request for compassionate release. This motion was heard before Circuit Court Judge Cothran on **April 16th 2021**. **Later**, Judge Cothran denied Petitioner's motion, thereby ending the case. The State of South Carolina respectfully requests the denial of Petitioner's motion for additional findings, and for Judge Cothran's original ruling to be upheld.

Petitioner's motion should be denied for numerous reasons. First, although Petitioner is seeking a release from prison due to the Covid-19 pandemic, Petitioner uses Federal statutes in support of his argument. As previously argued before Judge Cothran, the Petitioner is barred from seeking relief through Federal statute before a Circuit Court Judge in South Carolina. In essence, jurisdictional limitations cause this argument to fail. Second, a brief review of the facts is clear. Petitioner was convicted of Trafficking Crack Cocaine- 3rd Offense, and subsequently sentenced to twenty-eight years in prison. As a result, Petitioner's arguments referencing our State's Cruel and Unusual Punishment Article, in relation to bond and pre-trial detainment, similarly fail. Serving the time of his imposed sentence does not constitute cruel and unusual punishment.

Therefore, a post-conviction argument framed under the restrictions of excessive bond under Article 1 Section 15, is inapplicable based upon these facts. Third, South Carolina has no governing law concerning a compassionate release for individuals convicted by a jury. Although our State observes a compassionate release for parole concerning the terminally ill or permanently disabled, the Petitioner does not meet these standards. Finally, Petitioner's request to alter or amend is frivolous, as Judge Cothran completed a Form 4 after hearing Petitioner's initial arguments for compassionate release, denied Petitioner's motion, and noted the decision ended the case.

In sum, this Court should uphold Judge Cothran's earlier decision denying this Petitioner's motion for compassionate release due to extraordinary circumstances, as it is improper in this forum. Petitioner has duly been notified through these proceedings his only relief is through the Department of Corrections for redress. In a time when Covid-19 and Delta variants are spreading rapidly through our State, it seems Petitioner is not only at risk in his current setting, but is also at risk in the local community as well. Therefore, Petitioner's motion should again be denied, and Judge Cothran's decision to deny and end this case should be affirmed.

Respectfully submitted,



Seth Oskin
Asst. Solicitor
15th Circuit Solicitor

Jamie Goss 294985
Ridgeland Correctional Inst,
P.O. Box 2039
Ridgeland SC 29936

RIDGELAND CORRECTIONAL
INSTITUTION

SEP 07 2022

Mailroom



US POSTAGE IMPITNEY BOWES



ZIP 29936 \$ 008.54⁰
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0000378436 SEP. 07. 2022

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL[®]



7020 2450 0001 7218 6616

MAIL ROOM

The South Carolina Court of Appeals
V. Claire Allen
Post Office Box 11628
Columbia, South Carolina 29211

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SC Court of Appeals